



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Policy Statement for Code Enforcement Program

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Community Improvement Manager

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**RECOMMENDED ACTION:** That the City Council adopt the Resolution approving the Policy Statement for the Code Enforcement Program operated through the Community Development Department, Community Improvement Division.

**BACKGROUND INFORMATION:** A presentation regarding current and proposed code enforcement policies, procedures and processes was made to the City Council at the Shirtsleeve Meeting of September 13, 2005. At the conclusion of that presentation, Council members provided comment regarding several code enforcement issues.

From those comments it was discerned that Council desired a consistent policy regarding complainant confidentiality, an emphasis on the prioritization of complaints and the inclusion of some proactive enforcement in those priorities. Staff has subsequently crafted a Policy Statement that clarifies the general policies and procedures for the code enforcement program and provides a strategic framework for the implementation of the Council's goals and objectives.

The Policy Statement is made up of five sections. Section 1 provides a general introduction of the code enforcement activities of the Community Improvement Division. Section 2 identifies the guiding principles that the enforcement program is based upon. Section 3 identifies goals and policies that the City Council has for implementation of a code enforcement program for the community.

It is in Section 4 where the specific issues that were discussed with the City Council at the September 13<sup>th</sup> meeting are addressed, with the identification of the priorities which guide the planning and implementation of the day-to-day operations. While it is the desire of the Community Improvement Division to respond to each and every complaint and referral that is received, it is understood that not all complaints can be given the same level of attention. This Section establishes a community-wide criterion for the prioritization of code enforcement complaints and provides 10 categories that encompass the various issues that code enforcement handles.

At the top of those categories are the most serious of these complaints and issues, those dealing with an imminent threat to public health and safety, followed closely by those acts or conditions which will likely cause irreparable environmental damage. Issues pertaining to substandard housing and dangerous building issues are next in priority, followed by the abatement of inoperable, wrecked and abandoned vehicles from private property.

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APPROVED: \_\_\_\_\_

Blair King, City Manager

Mid-point in this list of priorities is the proactive or focused enforcement projects which will be covered in more detail in Section 5. The last four categories of complaints and issues are those that will get the lower priority in determining our ability to respond. Unpermitted construction; zoning or land-use violations; property maintenance issues; and noise and other nuisance violation issues are the four lowest priority categories. However, before those last four categories is a category or ranking that allows any of those lower priority issues to be elevated if they are having an adverse impact on a larger population or area. This category allows for the differentiation between a zoning or land-use violation at a property where one or two complaints are received and a property where the same violation exists and fifteen to twenty complaints are received.

It is also in Section 4 that the City Council's concerns regarding a standardized policy pertaining to the acceptance of complaints and the confidentiality of the complainant are addressed. It is clarified that anonymous complaints are not accepted except in those instances where the nature of the complaint involves the imminent threat to public health and safety or to the environment and the existence of the violation can be verified through an inspection. The issue of retaliatory complaints is also clarified as the policy is established that complaints will not be accepted from a complainant that currently has an active code enforcement complaint against them or their property. This is intended to encourage voluntary compliance and provide a fair and equitable application of the laws and regulations of this jurisdiction.

Section 5 further identifies the proactive or focused enforcement efforts that will be pursued within the community. One of those efforts involves focused code enforcement activities to address blight and nuisance conditions in a targeted neighborhood or to address an issue that is found city-wide. In identifying these targeted neighborhoods or issues, it is our intent to use the Lodi Improvement Committee.

In these efforts, the Community Improvement Division will seek input from Neighborhood Watch groups, the Lodi Police Department and other agencies or departments regarding issues that they are encountering within an area. This information will then be presented to the Lodi Improvement Committee for their review, so that they can clearly identify the boundaries of the targeted area, identify a desired outcome of the enforcement action, and help establish goals and objectives towards achieving that outcome. This is also where Community Improvement would further utilize the Lodi Police Department Partners Volunteers whenever possible, to conduct visual sweeps of neighborhoods to identify visual blight and to follow up to confirm voluntary compliance.

Overall, this Policy Statement is meant as a way of identifying to the City Council just how code enforcement operates and what the priorities are for the operation of the city. The establishment of this Policy Statement is meant to be dynamic and evolve over time.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not Applicable

  
Joseph Wood  
Community Improvement Manager

Concurred:   
Randy Hatch  
Community Development Director

Attachments

cc: City Attorney  
Community Development Director

## **POLICY STATEMENT FOR CODE ENFORCEMENT PROGRAM**

**Sections 1 – 3**

### Section 1. Introduction

The Community Improvement Division of the Community Development Department is responsible for the interpretation and enforcement of the Housing Code, the Dangerous Building Code, State laws, and the Lodi Municipal Code, as they pertain to substandard and dangerous dwellings and buildings, and blighted or nuisance properties throughout the City of Lodi. This activity has three major elements:

- ◆ **Community Improvement.** The administration and clerical duties which support all activities under the Community Improvement Division. This includes the staff's support and participation with community groups and functions, as well as the development and implementation of an education and information program to educate residents and property owners of the existing property maintenance requirements as well as the minimum housing standards.
- ◆ **Code Enforcement.** The daily function of a city-wide Code Enforcement program is to address issues of substandard housing, zoning violations, and nuisance activities on private property, on both a proactive and reactive/complaint-driven basis, as a means of eliminating blighted and nuisance conditions throughout the City of Lodi.
- ◆ **Abatement.** The abatement of substandard and/or hazardous buildings or properties by way of demolition, repair, board up or clean up. All abatement costs are billed to the property owner and then placed as a lien on the property if not paid.

### Section 2. Principles

The overall strategy of the Community Improvement Division's code enforcement program is based upon the following guiding principles:

- That fair and just code enforcement requires balancing the public good with individual rights.
- That it is the desire of city staff to work with property owners, residents and business owners of the community to achieve cooperative relationships and encourage voluntary compliance.
- That punishment is not an independent objective of code enforcement. Punishment is a means of achieving a higher level of compliance with applicable codes.
- That it is not generally desirable to impose punishment after a violation has been abated, except as a means of obtaining efficient code enforcement.
- That an objective of the enforcement program is to strive to be prompt, consistent, predictable, and firm, while being both courteous and professional.
- That enforcement response and its effectiveness needs to be continually assessed, and new strategies be considered and implemented as warranted.
- That those responsible for creating an additional demand for code enforcement services will be held responsible for the cost of providing those additional services.
- That it is beneficial to establish effective collaborations with other departments, agencies and organizations to aid in the accomplishment of these principles and the goals and objectives of the program.

### Section 3. Goals and Policies

The following goals and policies guide the code enforcement program.

- City Council believes that each resident of Lodi deserves to live in a safe, peaceful and attractive neighborhood.
- City Council recognizes that the maintenance of the city's neighborhoods has an economic value, as well as the value of having residents feel safe and satisfied in their surroundings.
- City Council believes that the goal of code enforcement, in supporting neighborhood safety, peacefulness and attractiveness, is to achieve compliance with all applicable codes and the standards attributed to each code.
- The City, through its existing ordinances has set a specific policy on a number of code-related issues; it is the responsibility of the City Council and the city administration to support compliance with ordinances and/or change them as needed.

**POLICY STATEMENT FOR  
CODE ENFORCEMENT PROGRAM**

**Sections 3 – 4**

Section 3. Goals and Policies (continued)

- City Council believes that tenants, property owners and property managers all have responsibilities and may all be involved in code compliance efforts.
- City Council believes that cost recovery is an important element to the code enforcement program and while it is not reasonable to expect the code enforcement program to be self-supporting, all efforts should be made to recover costs that the City incurs in the course of an abatement action and a comprehensive schedule of fines or penalties should be established.
- City Council believes that individuals must be given their right to due process throughout the course of a code enforcement action.
- The City Council is open to considering creative enforcement and funding alternatives.

Section 4. Operational Priorities

The City Manager and the Community Development Director have responsibility for determining the specific operational approaches to be used in code enforcement. The following priorities guide the operational planning and day-to-day management of the code enforcement program.

- The Community Improvement Division's priority is to respond to and attempt to resolve all code enforcement complaints. However, due to limited code enforcement resources, there may be times when all code enforcement complaints cannot be given the same level of attention.
- The following community-wide criteria for the prioritization of code enforcement complaints is established, with #1 being the highest priority:
  1. Violations that present an imminent threat to public health and safety;
  2. Violations affecting storm water discharge to rivers or streams or other irreparable environmental damage;
  3. Violations related to substandard housing and dangerous building conditions;
  4. Violations related to inoperable, wrecked, dismantled or abandoned vehicles;
  5. Focused enforcement projects, as described in Section 5;
  6. Any of the following types of violations that are having an adverse impact on a larger population or area;
  7. Violations involving on-going, unpermitted construction.
  8. Violations related to zoning or land use regulations;
  9. Violations related to property maintenance issues;
  10. Violations related to noise regulations and other nuisance activities or conditions.
- In those circumstances that code enforcement complaints have to be prioritized, the most serious violations, as determined under the priorities set forth above, should be addressed before the less serious violations.
- The Community Improvement Division is not to accept anonymous complaints pertaining to code violations, except in those cases where the nature of the complaint involves an imminent threat to public health and safety or to the environment and the existence of the violation can be verified through an inspection. In those exceptions, staff shall have the discretion to accept an anonymous complaint and investigate it to confirm the alleged condition.
- The Community Improvement Division will not accept retaliatory complaints from parties or individuals who have an active complaint or code enforcement action against their property. Retaliatory complaints are unjust and detract the complainant's attention from needing to correct violations upon their property. Once all violations or outstanding issues have been resolved from their property, the Community Improvement Division will accept and act upon their complaint(s) regarding other properties in the priority established above.

- The above prioritization is established because a complaint-driven system has not been entirely effective in achieving code enforcement goals and policies.

**Section 5. Focused Enforcement Efforts**

It is necessary to undertake focused enforcement efforts to identify code violations and obtain compliance. These focused efforts will include the following tasks:

1. The abatement of nuisance and dangerous buildings;
  2. Violations or conditions which affect either an entire neighborhood or area, or the entire city;
  3. Address conditions noted at one property that are clearly visible at surrounding properties;
  4. Stop Work Orders for unpermitted activities;
  5. Provide assistance with related code enforcement actions by other departments and agencies.
- The Lodi Improvement Committee is a mechanism for identifying neighborhoods, areas or issues that are in need of focused enforcement.
  - The Lodi Police Department Partners Volunteers shall be utilized to support Community Development's focused enforcement in targeted areas.

RESOLUTION NO. 2006-39

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING POLICY STATEMENT FOR CODE  
ENFORCEMENT PROGRAM

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Policy Statement for the Code Enforcement Program operated through the Community Development Department, Community Improvement Division, as attached hereto marked Exhibit A.

Dated: March 1, 2006

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I hereby certify that Resolution No. 2006-39 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS - Beckman, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - Hansen

ABSTAIN: COUNCIL MEMBERS - None

  
SUSAN J. BLACKSTON  
City Clerk

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